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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,275	12/30/2003	Robert A. Luciano	83336.0989	9180
66880 7590 07/25/2007 STEPTOE & JOHNSON, LLP 1330 CONNECTICUT AVENUE, NW WASHINGTON, DC 20036			EXAMINER HSU, RYAN	
			ART UNIT 3714	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

SP

Office Action Summary	Application No.	Applicant(s)	
	10/750,275	LUCIANO ET AL.	
	Examiner	Art Unit	
	Ryan Hsu	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,9-11,13,15-18,20,23,24,29,33,36,40,41,43,45 and 46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,9-11,13,15-18,20,23,24,29,33,36,40,41,43,45 and 46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

In response to the amendments filed on 7/2/07, claims 1, 3, 13, 15-18, 20, 23-24, 30, 33, 36, 41 and 45 have been amended and claims 2, 4-8, 12-14, 19, 21-22, 25-28, 31, 34-35, 37, 42, and 44 are canceled without prejudice. Claims 1, 3, 9-11, 13, 15-18, 20, 23-24, 29, 33, 36, 40-41, 43, and 45-46 are pending in the current application.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1, 3, 13, 15-18, 20, 23-24, 29, 33, 36, 39, 41, 43, and 45 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. It has been deemed that a method and apparatus must meet the basic statutory rules of producing a useful, concrete and tangible result. Currently, the claims are directed towards a gaming method that produces no real world tangible result. The operations of the methodology of the instant application simply recite a gaming method that comprises enabling a gaming device to receive funds from a player and allowing a player to select an input and determining the number of full and partial credits available for the wagering based on the received funds and the inputted denomination and allowing the player to play the game for partial credits, full credits, or both. A methodology that simply recites the ability of the computing device to provide the passing of information to allow for the wagering of partial and full credits are as currently recited taking place within the confines of the computing device and fail to interact with the user in a tangible fashion in which the user is able to realize the result of the methodology performed. Therefore

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the current claims fail to meet the standards set forth for statutory subject matter. *See MPEP 2106-regarding patentable subject matter with computer-related inventions.*

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 3, 9-11, 13, 15-18, 20, 23-24, 29, 33, 36, 40-41, 43, and 45-46 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitation “wherein the denomination is not a predetermined standard denomination” has been deemed indefinite. The applicant’s own specification only defines a “predetermined fixed set of denomination” and that the credit value “can be specified as any monetary value”. However, the limitation “not a predetermined standard denomination” has not been defined or enabled in the specification. The only example provided which may elude the Examiner to the meaning of this limitation by taking the comments made by the applicant’s arguments and that of the specification is that not a predetermined standard denomination is “any monetary value” which may be \$0.0007 or \$2.74. However these values are still based upon a standard denomination as the units in which they are based are common currency values therefore they still would qualify as a “standard denomination”.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 9-11, 13, 17-18, 20, 29-30, 33, 39-41, and 45-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilms (US 5,277,424) and Congello, Jr. (US 6,296,569 B1) and Rowe et al. (US 6,682,421 B1) and in further view of Walker et al. (US 6,012,983).

Regarding claims 1, 20, 33, and 41, Wilms teaches a gaming device and method of operation that enables a gaming device to receive funds from a player and allows the player to input a credit denomination (*see Fig. 1, element [10(a-e)] and the related description thereof*). Additionally, it is noted that the device is able to process the insertion of multiple denominations of bills and coins (*see col. 2: ln 25-35*). Furthermore, Wilms teaches a gaming system that converts the entered currency into a credit equivalent value. This is then displayed on the game machine representative of a full and partial credit value added by the player (*ie: determining the available number of full [CREDITS(16)] and partial credits [RESERVE(18)] based on the received funds and the inputted denomination*). This is provided by dividing the value added by the player by the credit value selected by the player to derive a whole value number and setting the whole value result in the CREDITS [16] indicator (*see col. 3: ln 1-17, col. 4: ln 22-33*). Wilms also teaches the ability of tracking the fractional units in its RESERVE indicator [18]. Additionally, Wilms teaches a controller that is in communication with the value acceptor so that

the machine may be notified whether enough credits exists for a player to operate the machine (*see col. 7: ln 59-col. 8: ln 2*). Finally, Wilms teaches a game of wagering (*ie: five-card draw poker*) as a possible embodiment where the player may make a wager and play the gaming device using the credits input by the player (*see col. 2: ln 42-54*). However, Wilms lacks in teaching the ability to wager both partial credits and full credits or both and allowing a player to add a value to a gaming device via a voucher and wherein the denomination is not a predetermined standard denomination.

In an analogous gaming reference, Congello, Jr. teaches the implementation of a user to purchase fractional denomination game tickets. Congello teaches the ability to allow a user to place any denomination bets, which would result in a fractional payoff in comparison of a typical full credit bet system. Congello teaches that one would be motivated to implement this type of system in order to allow customers to convert change or loose coins into game tickets. This would allow users that do not have a desire to play a large denomination to participate in a lottery type game therefore increasing the amount of money that is played on the game machine (*see col. 1: ln 60-col. 2: ln 7*). One would be motivated to incorporate such a feature into a wagering game in order to allow a player to play as much money as is available to them if they did not have enough money to purchase a full ticket or "credit". Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the fractional denomination betting taught in Congello, Jr. with Wilms to create a gaming machine that allowed fractional betting and fractional prizes in a wagering game device. However, the combination of Wilms and Congello is still silent with regards to "allowing a player to add value to a gaming device via a voucher".

In an analogous game system, Rowe teaches the ability for a player to add a value to a gaming device via a ticket or voucher (*see ticket reader and card reader [345, 340] of Fig. 3 and the related description thereof*). It has become a common occurrence in the video game arts for vouchers and tickets to be used in the place of cash in order to provide a more accurate tracking method for the casinos and security for the players. One would be motivated to provide the service of using a voucher as opposed to only cash means in order to provide the benefits of security to the users. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Rowe et al. with Wilms and Congello to use vouchers or tickets to add a value to a gaming device. However, Wilms, Congello, and Rowe are silent with regards to storing information relating to the full credits, partial credits, redemption values, and selected credit values to a database.

In a related gaming system, Walker et al. teaches a plurality of gaming machines that are linked in a network format. The gaming machines of walker are connected with a server and database that monitors and tracks information collected at the respective slot machines in order to allow the moderators of the system to track the activities of the different gaming machines. The properties that are tracked by Walker's system range from the players credit amount on the machine to the player's personal information (*ie: social security number, player id, address, phone number*) (*see Figs. 4-5 and the related description thereof*). One would be motivated to store the information collected by the gaming machines in order to quickly monitor gaming information and records easily in a gaming environment. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system taught by Wilms, Congello and Rowe to also store credit information so that wagers for accepting at

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least a partial credit, wherein the partial credit is based on the credit value and funds is kept on a voucher gaming system at the time of the invention was made. It is also further noted that although Wilms and Congello do not specifically describe an embodiment in which the denomination selected is "not a predetermined standard denomination" it would be a simple matter of design choice to allow the step of inputting a wager to take any monetary value. As the gaming machine would be capable of performing the functions identically regardless of the amount of monetary input or the "credit value" used and played by the user. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate any value inputted/selected by the player to play the wagering game.

With regards to claims 3, Wilms teaches a game machine that allows for a one to one exchange in currency to take place in a gaming machine having variable denominations to wager and calculates the monetary value into a CREDITS (*ie: full credits*) and RESERVES (*ie: partial credits*) value. As disclosed in Wilms these partial credits may also yield winnings and may be wagered (*ie: when the denomination is lowered below the credit value*) (*see col. 6: ln 3-39*). However, although Wilms allows the ability to change the denomination and allows the RESERVE credit to be wagered it lacks in teaching the ability for one to vary the RESERVE amount wagered beyond the pre-existing limitations created by the programmer of the gaming device.

However, in an analogous gaming patent, Congello teaches the ability to offer a fractional denomination game wager. Congello teaches that one would be motivated to allow the use of partial credits in order to allow for the user to fully utilize their resources when using a wagering system (*see col. 5: ln 5-17*). Therefore it would be obvious to one of ordinary skill in

the art at the time of the invention to include the teachings of Congello with Wilms to incorporate partial credit wagering.

Regarding claims 9, 29, 40 and 45-46, Wilms teaches a gaming machine wherein the partial credit value is stored to be displayed by the RESERVE indicator [18]. Wilms also states that the full and partial credits funds are displayed to the player through CREDIT [16] and RESERVE [18] indicators. The player may wager these credits at any time (*ie: through the variability of modifying the wagered value*) (*see col. 6: ln 40-67, col. 7: ln 10-56*). Furthermore, as expressed in the rejection above the controller is configured in the game machine to determine the number of credits and reserve credits available for play by dividing the funds by the credit value.

Regarding claims 10-11, Wilms teaches the partial credits as decimals, which are inherently fractions as decimals are a linear array of digits that represent a real number. For example, decimals typically indicate a negative power of 10 (*ie: $10^{-1} = 0.1 = 1/10$*) (*see Figs. 3-5 and the related description thereof*).

Regarding claims 13, and 30, Wilms' gaming device allows for the user to change the first selected credit value to a second inputted credit value or denomination between rounds of play in the game of change. The gaming device constantly readjusts the CREDIT and RESERVE indicators to correspond with the new value per credit (*see col. 6: ln 25-39*).

Regarding claims 17-18, Wilms comprises setting an increment rate by which the player can increase and decrease the credit value. Additionally, the value received from a player is in a first currency and the full and partial credits may be represented in a second currency (*see col. 7: ln 30-57*). Furthermore, Wilms allows a value to be added by the player in a first currency and

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then is divided into a full and partial credit value as a representative version of the second currency value (*see col. 7: ln 30-57*). Furthermore, Wilms allows a value to be added by the player in a currency and the partial credits have a value other than a standard denomination in which the currency is issued or an integral multiple thereof.

Claim 39, Wilms teaches a game machine that comprises a casino marker acceptor and dispenser, which is analogous in the gaming art to a voucher. Therefore it would be a simple matter of design choice for one of routine skill to modify Wilms to allow the use of voucher certificates as opposed to casino markers. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Wilms in order to allow for a user to implement a voucher acceptor and printer instead of the casino markers used (*see col. 5: ln 4-27*).

Claims 15-16, 23-24, 36, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilms and Congello, Jr. and Rowe et al. and Walker et al. as applied to claims above, and further in view of Skratulia (US 5,690,335).

With reference to claims 15-16, 23-24, 36 and 43, Wilms and Congello and Rowe et al. and Walker et al. teach a game machine that accepts vouchers and allows the use of full and partial credits in a wagering game and can store the credit information on a database as discussed above and incorporated herein. However, Wilms, Congello, Rowe and Walker lack in specifically disclosing a maximum and minimum credit value for wagering within its game machine. However, it is understood in the gaming arts that casinos will typically setup minimum and maximum wagers or denomination in order to cater to the target clientele. In Skratulia, he teaches the use of an analogous method of playing a wagering game (*see col. 3: ln 20-40*).

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Skratulia discloses that it would be an obvious matter of design choice for the establishment to set the maximum amount and that gaming machines are typically adaptable and may be modified to fit the maximum and minimum bets that the casino would like to implement in their machines. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Skratulia with Wilms in order to allow the gaming machine in Wilms to include a minimum and maximum wager amount.

Response to Arguments

Applicant's arguments filed 7/2/07 have been fully considered but they are not persuasive. The applicant's representative argues that the combination of Wilms in view of Congello does not include the feature of allowing the player to input the denomination of wagering, wherein the denomination is not a predetermined standard denomination. Examiner respectfully disagrees. The teaching of Wilms teaches in a gaming machine an apparatus that accepts the input of a player to select a denomination of wagering. As addressed and stated by the Examiner above Wilms is silent with respect to the ability to allow for partial wagering of credits. Instead the Examiner relies upon the teaching of partial wagering with Congello. Congello teaches in an analogous wagering device the entrance into a wagering game using partial credits or "loose change" as stated by the applicant's response. This teaching by Congello teaches of the ability to allow for partial wagering to be completed in a wagering game. As the wagering of full credits is well known in the art it can be simply stated that "full" credit wagering is old and well known in the art and the teachings of Congello allows for the addition full wagering with that of fractional wagering tickets or "partial wagering". Therefore the combination of Wilms with that of Congello allows for the wagering of any denomination on a

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wagering game. And therefore would allow for any value to be selected and inputted into the wagering game by a user.

Additionally, the applicant's representative argues that Congello's denomination is also "predetermined because it is "equal to the change" due to a customer of a retail purchase transaction". As a result, according to the applicant's representative, the fractional ticket comprises of "loose change" which has been defined as "any combination of cents, nickels, dimes, quarters, half dollars, and dollars" and therefore only allows for standard denominations for wagering. Thus it does not allow an input of a denomination for wagering wherein the denomination is not a predetermined standard denomination. Examiner respectfully disagrees. Congello teaches by the applicant's own arguments, a system that allows for a wager to be made by loose change, which consists of "any combination of cents, nickels, dimes, quarters, half dollars, and dollars" (*see pg. 11 of "applicant's reply to office action of March 7, 2007"*), effectively this allows for a wager to be made based upon any monetary amount. The applicant's representative then goes on to state that this does not meet the limitation of "not a predetermined standard denomination". This argument is flawed because if Congello does not meet the limitation how can the applicant state in their own specification (pg. 4, ln: 14-15, *abstract*, pg. 9: *ln 18-10*) that a non-standard denomination may be a value that is \$0.007 or \$2.74. By the logic the applicant has applied these two values, which are also based upon standard denomination, by virtue that their values are derived from some "value" that a currency system has applied to them, would also meet the limitations "a standard denomination" since it is based upon a standard currency. This circular logic would than allow the claims as they currently stand to be viewed as "a predetermined standard denomination" and "not a predetermined standard

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denomination” to mean the same thing since they are all based upon the typical standard value of a currency. In the alternative, if these are truly not the same thing, then “not a standard denomination” would mean something that is not currency or money. Then the question arises what exactly is being wagered or made a credit value? As a result the arguments presented by the applicant’s representative are not viewed as persuasive for the reasons above and the rejections presented above are maintained.

Conclusion

Any inquiry concerning this communication or earlier communication from the examiner should be direct to Ryan Hsu whose telephone number is (571)-272-7148. The examiner can normally be reached on M-F 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Robert E Pezzuto can be reached at (571)-272-6996.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, contact the Electronic Business Center (EBC) at 1-866-217-9197 (toll-free).



RH

July 19, 2007



ROBERT E. PEZZUTO
SUPERVISORY PRIMARY EXAMINER